

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alexander Silverman on 06/21/2010.

The application has been amended as follows:

26. The method of data packet transmission of claim ~~[[4]]~~25, wherein generating the transmission schedule is performed based on a size of a buffer that will store received packets, available bandwidth and allowed play-out delay.

27. The method of data packet transmission of claim ~~[[4]]~~25, wherein the transmission schedule is designed so that the smoothing buffer does not overflow or underflow during play-out of the received data packets.

32. The system for data packet transmission of claim 31, wherein the unit controller generates ~~[[the]]~~a transmission schedule based on a size of the client smoothing buffer, available transmission channel bandwidth, and allowed play-out delay.

36. The system for data packet transmission of claim 19, wherein the unit controller generates a transmission schedule, which includes the rates at which the data packets will be played-out by the client equipment

37. The system for data packet transmission of claim [[19]]34, wherein the set threshold is between 0.7 and 0.9.

The following is an examiner's statement of reasons for allowance:

Regarding Claim 2, the Examiner found neither prior art cited in its entirety, nor based on the prior art found any motivation to combine any of the said prior art which teaches a method of transmitting high and lower priority data packets to a client side smoothing buffer where a determination is made whether sufficient time remains before a scheduled play out time of a previous not transmitted packet and, if so, transmitting the previously skipped packet. Regarding Claim 19, the Examiner found neither prior art cited in its entirety, nor based on the prior art found any motivation to combine any of the said prior art which teaches a system for data transmission wherein the controller determines whether sufficient time remains before a scheduled play out time of a previous not transmitted packet and, if so, controls the transceiver and buffer to transmit the previous skipped packet.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS T. CORBO whose telephone number is (571)270-5675. The examiner can normally be reached on M-F 9am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571)272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

N.T.C.  
Examiner, Art Unit 2427

06/21/2010

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427

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